

SECRETARY OF STATE [603]

EXECUTIVE PROCEEDINGS RECORD BOOKS, 1850-1949.

4.5 Cu. ft., (10 vol.)

DESCRIPTION: From the beginning of territorial government in Utah, statute required the Secretary of the Territory, and later the Secretary of State, to record the official acts of the Governor. Copies of original documents issued by the Governor as he exercised his general responsibilities for directing the affairs of government were transcribed into the record books as official acts until the series was discontinued in 1949.

Entries in the first two volumes overlap somewhat. Record book A contains regular entries made by secretaries Willard Richards, B.D. Harris and possibly different clerks over a three year period from 1850 to September, 1853. After this date, and continuing through 1863, other secretaries apparently used book A as a place to record appointments and commissions made by the Governor. Election returns for the same period were also entered in this volume. After 1863 these lists are entered in record book B.

Richards had originally been Secretary of State under the provisional government of Deseret, and he also served as Secretary pro tem at two different times between 1851 and 1853. Once after Harris, the first federal appointee, left the territory in September, 1851, and again after Benjamin G. Ferris, the second one, left the territory in May, 1853. Richards made all of his entries in book A. Entries made by Harris during his three months in Salt Lake City in 1851 are also recorded in this book.

Record book B was opened by Secretary Ferris in 1852, and his entries continue until April of 1853. After Almon W. Babbitt replaced Richards as permanent Secretary in October of that year, entries continue in Book B. (Christy Best, "Report of the Survey of Selected Territorial Records Extant at the Utah State Archives," Salt Lake City, 1987.)

Two duplicate volumes exist in the series. Documents entered in both "D" volumes are identical. The first seven pages apparently contain a record of the redistricting for elections made by the Utah Commission. A handwritten copy of volume one was kept for the first four months of 1896, in which were recorded communications to the legislature. After that time these were integrated into the main set. During the territorial period, additional copies of the EXECUTIVE RECORD BOOKS were prepared and submitted to various federal officials. Documents were recorded by hand initially, but later published copies of some reports were glued into the books. After statehood all entries are typewritten.

During the territorial period, a wide range of executive actions were recorded, and these included all Governor's proclamations and messages to the legislative assembly; the commissioning or appointment of government officials; documents related to the election process; pardons and other documents related to crime and criminals; reports to the Secretary of the Interior; and selected correspondence related to emergencies or controversial events.

The pattern of documentation began changing dramatically in the 1880's, both in terms of what was recorded and in terms of how the documents were identified. Actions which previously had been recorded in the record books were shifted to other series, marking a tendency to create separate series for each type of executive action. Political developments affected this trend as well. Federal attempts to reform the territorial government through a series of laws led to changes in what was recorded in this series. The most important of these is the Edmunds Act of 1882, which specifically affected the appointment of officials and the way in which elections were handled. (Edmunds Act, amendment of 5350 U.S.C., in Compiled Laws of Utah, I (Salt Lake City, Herbert Pembroke Printer, 1888), 110-13.) Changes in the documentation of these functions in this series date from the passage of this act.

As time passed, the identification of documents also became more consistent. In the first few decades of the territorial period, different executive acts were identified directly as "election results", or "respites", or "appointments", etc.; but beginning in the 1880's and increasingly after statehood, those acts still being recorded in the record books were identified and recorded as proclamations. Appointments, for example, were made by proclamation after the 1880's, but offers of reward for criminals were recorded as proclamations only after 1930. After this date virtually the only thing recorded, which is not also a proclamation, are the times when the Secretary of State served as acting Governor.

Proclamations

These were recorded consistently throughout the series. Typically, the Governor issued proclamations to regulate the general operation of government or as a way to commemorate important events. The most common reasons for issuing a proclamation included: the declaration of public holidays; the appointment of various government officials; the times when elections were to be held; terms of the district courts and changes in their boundaries; and the expressions of sympathy upon the death of prominent people.

After statehood, proclamations were increasingly issued to commemorate important events, such as Navy Day or Fire Prevention Week. From 1909 and into the 1930s, the Governor also used proclamations as a way of identifying corporations which had not paid license fees. Names were listed in accompanying documents--not recorded in the record books--and the public was put on notice that such companies were not to be allowed to do business in the state.

Military affairs were directed by proclamation throughout the entire period. They were issued to control the mustering or disbanding of the territorial militia, and after statehood for the calling and organizing of military units to serve in wartime.

In the 1940s the first of the Executive Orders appears. Closely related to proclamations in function, executive orders have the effect of law until they expire or are changed; proclamations usually apply to a single event. Only a handful of orders are recorded here, but their use increases in the period after this series was discontinued.

Crime and criminals:

Information about crime and criminals can be found in pardons, reprieves or respites, requisitions for the extradition of criminals, prison reports, and offers for reward or warrants for the arrest of criminals. Pardons of criminals. Pardons of criminals are the most frequently recorded document in this series until 1886. Normally, in granting a pardon, the Governor would summarize the history of the case, and outline his reasons for taking the action.

.Reprieves or respites contain the same information as a pardon, but they differ from them in that they were issued temporarily. The Governor did not have power to pardon criminals who had violated federal law; so until this decision was made by a federal official, the respite was issued.

Requisitions for the extradition of criminals appear occasionally in record books in the 1850's and 1860's. A brief description of the crime for which the person was sought is usually included on the requisition form. Warrants for the arrest of criminals were issued in response to a requisition received from another state; was sought is usually included on the requisition form. Warrants for the arrest of criminals were issued in response to a requisition from another state; these usually contain the same information as a requisition issued by Utah's governor. The offer of reward is the only document relating to criminals that continues to be recorded after statehood, and then only until the early 1930's. Occasionally rewards are offered through proclamation after that date.

Governors messages and reports

Copies of the Governor's annual messages to the legislature were regularly recorded until 1920. Printed messages were glued into the books after 1886. Annual messages contain useful information about state affairs in general and were normally made in the context of requesting an annual budget to fund the various government programs.

Beginning in the 1870's and continuing biannually until statehood, the Governor composed a formal report on the general affairs of the territory for the Secretary of the Interior. Like the messages to the legislature, these reports were published. Both handwritten and printed copies are included in the record books. These reports summarize important political, social, and economic developments in Utah territory, but they are not usually as detailed as those that were submitted to the territorial legislature in the Governor's Annual messages.

Appointment of officials

The Governor did not have the power to appoint most territorial officials directly until 1882. Before that time, however, the Governor's office did issue commissions to all elected territorial and local officials, and lists of these were added to the record books through 1876. Book A contains list of commissions granted from 1855 through 1863; book B contains lists from 1864 through 1871; and book C the lists from 1872-76. Officials commissioned included the administrators of executive departments of the territorial government as well as several different county and municipal officers. The list of local officials includes notary publics, county sheriffs, probate judges, county selectmen, coroners, justices of the peace, mayors, and aldermen. Lists of military officers commissioned by the Governor were entered separately during this time.

The Edmunds Law of 1882 vacated all elected offices in the territory and placed control of elections and the issuing of election certificates with a new board appointed directly by the President of the United States. (Edmunds Act, Compiled Laws of Utah, 1:110-13). This board became known as the Utah Commission. After the passage of the act, Governor Murray directly appointed individuals to fill vacated offices through proclamation, a document which is entered in book C, p. 383. This is the last entry that routinely records the appointment of commissioning of county and municipal officials. Until 1890, appointments to the executive departments of the territory were made directly by the Governor. After 1890 many of these appointments required approval of the Senate. Whether confirmation was required or not, lists of territorial or state officials appointed were often prepared and sent to the Senate, which then informed the Governor, usually in a series of communications, which appointments were accepted or rejected. Lists of appointments were no longer compiled and entered after 1920, even though proclamations making the appointment are recorded.

In searching for record of a particular appointment search the lists of elected officials that appear in the record books prior to 1877. Many of these are not often entered in chronological order along with the rest of the documents, but they can usually be found toward the end of each volume. If the appointment occurred after 1881 scan individual proclamations. From 1890 to 1920 separate lists of appointments are again entered and can be conveniently searched, as can the communications from the Senate announcing the confirmation of an appointment. These communications are clustered around the dates when the legislature was in session, usually February and March and in odd numbered years.

Appointments of delegates to national conventions were always made directly by the Governor. The first of these appears in entries from and 1870's and they are recorded

regularly until 1949. This type of appointment was always done by proclamation, although some of the early ones are not specifically identified as such.

Copies of the commissions of all federally appointed officials were routinely added to the record books throughout the territorial period. These include papers for all Governors, Supreme Court judges and Secretaries of the Territory. Oaths of office for these same officials and related correspondence were often recorded along with the commission.

Elections

Documentation of elections is found primarily in the territorial record books. The Legislative Assembly and the county clerks sent copies of election results to the Secretary of the Territory to be recorded. This "canvas of elections" included results of all special and regular elections for both local and territorial offices.. Election certificates were then issued to the winners by the Secretary's office, but these are almost never recorded in this series. Election returns are often entered as separate lists in different sections of the record books and not in chronological order with the rest of the documents.

As election laws and practices changed--particularly after 1882--the canvas of elections came to include only the vote total for legislative elections or for Utah's delegates to the U.S. Congress. 1896 is the last year in which these are recorded. When elections were disputed, protests asking the Governor not to issue an election certificate were recorded along with supporting documentation. Entries relating to the disputed congressional election of 1880 are quite lengthy and are the best example.

Trough proclamation, the Governor always established the dates for both special or regular elections. Normally the offices being contested are listed in each "election proclamation". This is the only type of document relating to elections that is recorded after statehood.

Correspondence

Executive correspondence was rarely recorded. Those few letters entered were apparently intended to act as a written record of the Governor's decisions and actions taken in response to emergencies and controversial issues. Some may have been viewed as precedents for policy decisions. No correspondence is recorded after 1896. A series of letters between territorial and federal officials concerning the Piute Indian war of 1889, and a long report in letter form of the coming of Coxey's Army of unemployed workers during the depression of 1893 are examples of this type of documentation.

Legislation

The only acts of the Governor recorded exclusively after statehood are his communications with the legislature about specific bills. The Governor formally notified the House and Senate leaders of his approval of specific bills or of their filing in the Secretary of State's office. In cases where he did not approve a bill, or returned it for amendment, the Governor often

included a lengthy discussion of his reasons the veto. These communications are only recorded until 1917. Book A, in the first entry, does contain a handwritten copy of the Organic Act which established Utah's territorial government, but copies of other acts affecting Utah's territorial government are recorded in other series.

Other documents

A few odd documents relating to actions not normally recorded in the record books appear during the 1880's. A list of these includes certificates of marriage, amnesty oaths, and petitions from cities asking for a change in their status. A few of the latter can also be found recorded in books from the statehood period. During this decade, the Secretary also began recording the time when he served as acting Governor, and this is virtually the only action that is also not a Proclamation recorded after 1932.

ARRANGEMENT: The record books are arranged alphabetically by a consecutive letter or number assigned to each volume. In the territorial period, books were assigned letters A-D; after statehood books were numbered consecutively from one through four. Entries in each book are chronological.

RELATED RECORDS: Many--although not all--of the documents entered in the territorial volumes of EXECUTIVE RECORD BOOKS are filed in the TERRITORIAL EXECUTIVE PAPERS, series #241, but the pattern of documentation is not consistent. In some cases, the copy of the official document recorded in the record books cannot be found in the EXECUTIVE PAPERS. In others, documents on file in the papers have not been recorded in the record books, even though they represent a type of action normally recorded there as an official act of the chief executive. Beginning in the latter part of the territorial period and continuing after statehood, the Secretary gradually began recording individual types of documents in separate series.

The most important of the related series is the GOVERNOR'S EXECUTIVE ORDERS AND PROCLAMATIONS, which begins as a separate series in 1896. A microfilmed copy is available in the archives research center. Pardons granted by the Governor after 1880 are found in the PARDONS GRANTED RECORD BOOKS, series #329. REQUISITIONS RECORD BOOK, Series #306, also contains a record of the requisitions made by the Governor after 1881..CRIMINAL WARRANTS REGISTER, #305, contains these after they were no longer recorded in the record books.

COMMISSION REGISTERS, #352, include lists of many of the officials whose appointments are also recorded in this series. Separate series exist in the records of the Secretary of State's office which document other types of appointments, and these include ELECTION JUDGES REGISTER,#349, and NOTARY PUBLICS REGISTER. These series cover appointments in the last two decades of the nineteenth century. Oaths of office for some of these elected and appointment officials are in series #350, OATHS OF OFFICE

REGISTER, 1887-1894, and also in the OATHS OF OFFICE, Series #17170;

Related series documenting the election process are numerous. While lists of individuals elected to both state level and local offices are recorded in this series until 1882, more details on votes cast for elections in this same period are in the ELECTION PAPERS, series #364. This series also contains election data from the late territorial and statehood periods. Similar information can be found also in the ELECTIONS RETURNS REGISTERS, #396, and the ELECTION RETURNS ABSTRACTS in the Research Center; however, these contain data for the period after statehood. Records of the Utah Commission contain election data from the 1880's.

MESSAGES TO THE LEGISLATURE, series #182, are the printed copies of the messages recorded by hand here in the record books. Acts of the legislature approved by the Governor can also be found in records from the Secretary's Office. Series #3147, LEGISLATIVE ACTS, RESOLUTIONS, AND MEMORIALS JOURNALS often include the final copies of bills as they were passed by the legislature and signed by the Governor. Later journals also record the Governor's actions in relation to specific bills.

CUSTODY HISTORY: This series was maintained by the Secretary of State's office until 1949. After that time, the use of record books as a place to record the official acts of the Governor was discontinued. In 1957 they were transferred to the archives for permanent storage.

PROCESSING NOTE: The Executive Proceedings Record Books from the territorial period were microfilmed on 35 mm film between 1965 and 1971. The Executive Proceedings Record Books covering the years 1896 to 1949 have not yet been filmed. Archival processing was completed in 1987 by Val Wilson.

CONTAINER LIST

Reel	Box	Volume	Description
1	1	A	Sept. 9, 1851-May 2, 1863
2	1	B	July 13, 1852-Dec. 1, 1871
3	2	C	Jan. 9, 1872-Nov. 18, 1886
4	3	D	May 2, 1887-Jan. 13, 1890
5	4	D	May 2, 1887-Dec. 1, 1895
6	5	1	Jan 6., 1896-Apr. 5, 1896
6	6	1	Jan 6, 1896-Mar. 21, 1911
6	7	2	Mar. 22, 1911-Sept. 4, 1914
7	8	3	Sept. 10, 1914-May 28, 1937
7	9	4	Apr. 23, 1937-Dec. 31, 1949